

AO 91 (Rev. 08/09) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

MAY 08 2015

Clerk of Court

United States of America)
v.)
Jose Manuel Bretado-Capetillo)
YOB: 1985)
Citizenship: Mexico)
A# 088 346 691)

Case No.

M-15-0737-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 06, 2015 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

8 U.S.C. § 1324(a)(1)(A)(iii); and
8 U.S.C. § 1324(a)(1)(A)(ii)

Offense Description

Knowing and in reckless disregard of the fact that Norma Marisol GONZALEZ-Santos, and Rosendo AVALOS-Gonzalez and others who were aliens, who had come to, entered and remained in the United States in violation of law, concealed, harbored, or shielded from detection, or attempted to conceal, harbor, or shield from detection, such aliens in any place, including any building or any means of transportation; to wit a residence in McAllen, Texas; and transported, or moved, or attempted to transport or move such aliens within the United States by means of transportation or otherwise, in furtherance of such violation of law;

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.


Complainant's signature

Sean Greene, HSI Special Agent

Printed name and title

Approved to file Kimberly Ann Leo
AUSA

Sworn to before me and signed in my presence.

Date: 05/08/2015


Judge's signature

City and state: McAllen, Texas

Dorina Ramos, U.S. Magistrate Judge

Printed name and title

ATTACHMENT "A"

On May 5, 2015, Border Patrol agents (BPAs) in the vicinity of Falfurrias, Texas interdicted a human smuggling attempt and apprehended eight undocumented aliens (UDAs). BPAs interviewed the subjects, who identified the house at 3108 Gull Avenue, McAllen, Texas (hereinafter, "the target location") as the location where they were harbored.

On May 6, 2015, BPAs conducted surveillance at the target location. At approximately 1650 hours, a blue Chevrolet truck arrived at the target location. BPAs observed the male driver exit the vehicle and remove what appeared to be groceries from the bed of the truck. At approximately 1720 hours, BPAs observed the same blue Chevrolet truck leave the target location and they surveilled it to 2316 Robin Avenue, McAllen, Texas. At approximately 1745 hours, the same blue Chevrolet truck departed 2316 Robin Avenue, McAllen, Texas. A McAllen Police Department (MPD) officer attempted a traffic stop of the vehicle. The driver of the vehicle failed to yield and a brief pursuit ensued that ended at the cul-de-sac of 36th St. and Pelican Avenue, McAllen, Texas. BPAs observed three individuals exit the blue Chevrolet truck. MPD officers apprehended the two male passengers after a brief foot pursuit. The passengers were later identified as Rosendo AVALOS-Gonzalez, a citizen of El Salvador with no legal status in the United States, and a juvenile Honduran national with no legal status in the United States. BPAs located and detained the driver, who was hiding in a trash can. BPAs identified the driver as Jose Manuel BRETADO-Capetillo, a citizen of Mexico and previously deported felon. BPAs advised BRETADO of his Miranda Rights, and he invoked his right to counsel and declined to be interviewed.

Meanwhile, BPAs continued surveillance at the target location and observed a white Pontiac Montana circle the neighborhood prior to pulling into the garage of the target location. The Pontiac Montana departed the target location shortly thereafter. A MPD officer began to follow that vehicle when it abruptly pulled into an abandoned gasoline station and numerous individuals were observed exiting the vehicle and attempting to flee. BPAs apprehended seven of the subjects who were determined to be UDAs.

That same day at approximately 2200 hours, BPAs and Homeland Security Investigations (HSI) special agents (SAs) conducted a knock and talk at the target location. Norma Marisol GONZALEZ-Santos, a citizen of El Salvador with no legal status in the United States, answered the door. GONZALEZ identified herself as a resident of the target location and provided SAs with written consent to search the residence. A search of the residence resulted in the apprehension of four additional UDAs.

ATTACHMENT "A" - continued

Material witness GONZALEZ informed agents that following her illegal entry into the United States in February 2015, she was transported to an alien stash house that was managed and occupied by a male and female couple. SAs showed GONZALEZ a photographic lineup display consisting of six persons with similar appearances. SAs asked GONZALEZ if she recognized any of the individuals depicted in the photographs as being involved the smuggling events that occurred May 06, 2015. GONZALEZ identified BRETADO, as the individual that managed the alien stash house where she was harbored, along with other UDAs, until the date of her apprehension on May 06, 2015.

Material witness AVALOS informed agents that following his illegal entry into the United States on May 03, 2015, he was transported to an alien stash house where he had spent the previous 2 nights, prior to being picked up by a male driving a blue truck. SAs showed AVALOS a photographic lineup display consisting of six persons with similar appearances. SAs asked AVALOS if he recognized any of the individuals depicted in the photographs as being involved the smuggling events that occurred May 06, 2015. AVALOS identified BRETADO, as the individual that picked him and the juvenile UDA up on May 06, 2015, at the alien stash house at 2316 Robin Avenue, McAllen, Texas and transported them to the vicinity of 36th street and Pelican Avenue in McAllen, Texas, the location of their apprehension.